

PROOF

STATE OF IOWA

House Journal

THURSDAY, MAY 29, 2003

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JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 29, 2003

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, convening the Eightieth General Assembly in Extraordinary Session, the House was called to order at 10:22 a.m., by the Honorable Christopher Rants, Speaker of the House.

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

COMMUNICATION FROM THE GOVERNOR

Pursuant to Article IV, section XI of the Constitution of the State of Iowa, the following communication from Governor Thomas J. Vilsack was presented and read to the House of Representatives:

May 9, 2003

The Honorable Christopher Rants
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby submit the Proclamation setting the Extraordinary Session of the Iowa Legislature to convene at 10:00 a.m., May 29, 2003.

Sincerely,
Thomas J. Vilsack
Governor

State of Iowa

Executive Department

In The Name And By The Authority Of The State Of Iowa

Proclamation

Whereas, the 2003 regular session of the Eightieth General Assembly adjourned pursuant to [Senate Concurrent Resolution 21](#), and

Whereas, beginning with my 2003 Condition of the State Speech and continuing throughout the legislative session that adjourned last week, Iowan repeatedly called on lawmakers to pass the Iowa Values Fund and approve a FY 2003 state budget that funds vital state services, and

Whereas, the Iowa Values Fund will transform the Iowa economy by creating 50,000 high-paying jobs, promoting industry clusters and regional economic development, improving our quality of life and school facilities, and enhancing university research and workforce development, and

Whereas, the Iowa House of Representatives already passed the Iowa Values Fund in an historic and strongly bi-partisan vote last week, and community and business leaders support the Iowa Values Fund as an essential step to creating a more vibrant economy, and

Whereas, the General Assembly failed to pass a FY 2004 budget that adequately funded vital state services and protected the health, safety, and welfare of Iowa citizens, and

Whereas, Iowa cannot wait to create the Iowa Values Fund and cannot afford to underfund vital state services, since doing otherwise will jeopardize the future of Iowa families.

Now, Therefore, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Eightieth General Assembly shall convene in extraordinary session in Des Moines, Iowa at 10:00 a.m., on the 29th day of May, 2003, and to that end I do call up and direct the members of the House of Representatives to convene in the House chamber at the State Capitol and members of the Senate to convene in the Senate chamber at the State Capitol at 10:00 a.m., on the 29th of May, 2003, for the purpose which the General Assembly is convened, namely the matter of approving approving the Iowa Values Fund, a FY 2004 state budget that will protect Iowans' health, safety, and welfare, and matters properly related thereto.

(Seal) IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the great seal of the State of Iowa to be affixed. Done at Des Moines, Iowa, this 9th day of May in the year of our Lord two thousand three.

THOMAS J. VILSACK
Governor

Attest:

CHESTER J. CULVER
Secretary of State

ORGANIZATION OF THE HOUSE

Gipp of Winneshiek moved that all organization matters not specifically provided for in Joint Rule 3 be the same for this Extraordinary Session as for the 2003 Regular Session of the Eightieth General Assembly.

The motion prevailed.

Gipp of Winneshiek moved that the Chief Clerk of the House be directed to send a written message to the Governor and to the Senate informing them that the House was duly organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, pursuant to the May 9, 2003, proclamation of the Governor, duly organized for the 2003 Extraordinary Session of the Eightieth General Assembly and is ready to receive communications from the House.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 10:28 a.m., until the fall of the gavel.

The House resumed session at 3:46 p.m., Speaker Rants in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 3:46 p.m., until 7:30 p.m.

EVENING SESSION

The House reconvened at 8:06 p.m., Speaker Rants in the chair.

The House stood at ease at 8:06 p.m., until the fall of the gavel.

The House resumed session at 9:02 p.m., Speaker Rants in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 29, 2003, amended and passed the following bill in which the concurrence of the House is asked:

[House File 614](#), a bill for an act relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

Roberts of Carroll in the chair at 9:04 p.m.

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration [House File 614](#), a bill for an act relating to elections and voter registration by implementing requirements of federal law, modifying closing hours of the polls and voter identification requirements, transferring duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and making changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections, and including effective date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1614](#):

H-1614

- 1 Amend [House File 614](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 19, the
- 4 following:
- 5 "Sec. __. NEW SECTION. 47.9 STATE PLANNING AND

6 IMPLEMENTATION COMMITTEE.

7 1. A state planning and implementation committee
8 is created to carry out the provisions of this
9 section.

10 2. a. The state planning and implementation
11 committee shall consist of the following members
12 appointed by the governor, subject to confirmation by
13 the senate:

14 (1) The county auditors of the two most populous
15 counties in the state.

16 (2) The county auditor or deputy auditor of a
17 county with a population of twenty-five thousand or
18 more.

19 (3) The county auditor or deputy auditor of a
20 county with a population of less than twenty-five
21 thousand.

22 (4) The president of the Iowa state association of
23 county auditors.

24 (5) The president of the Iowa state association of
25 counties.

26 (6) A representative from the office of auditor of
27 state.

28 (7) A representative of an organization
29 representing persons with disabilities.

30 (8) An eligible elector who is a member of a
31 racial minority.

32 (9) A person with expertise in information
33 technology and who serves in an executive capacity in
34 either the public or private sector.

35 (10) Two persons who are eligible electors.

36 b. The committee shall include the following ex
37 officio members:

38 (1) The state commissioner of elections or the
39 commissioner's designee.

40 (2) A member of the senate appointed by the
41 majority leader of the senate.

42 (3) A member of the house of representatives
43 appointed by the speaker of the house of
44 representatives.

45 (4) A member of the senate appointed by the
46 minority leader of the senate.

47 (5) A member of the house of representatives
48 appointed by the minority leader of the house of
49 representatives.

50 (6) The executive director of the state republican

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1 party.

2 (7) The executive director of the state democratic
3 party.

4 (8) The executive director of the ethics and

5 campaign disclosure board.

6 3. The membership of the committee listed in
7 subsection 2, paragraph "a", shall comply with section
8 69.16. The membership of the committee in subsection
9 2 is not required to comply with section 69.16A. The
10 members of the committee shall elect a chairperson at
11 its organizational meeting.

12 4. The planning and implementation committee shall
13 develop and adopt a plan for compliance with Pub. L.
14 No. 107-252. The plan shall include the information
15 required in section 254 of Pub. L. No. 107-252. The
16 plan shall have as its priority assisting local
17 elections officials in implementing the provisions of
18 Pub. L. No. 107-252. The committee shall also study
19 and make recommendations on the issue of requiring
20 identification of all voters in elections conducted in
21 this state.

22 5. The plan developed and adopted by the committee
23 shall be transmitted to the governor who shall submit
24 the plan to the appropriate federal agency. The state
25 commissioner of elections shall implement the plan
26 developed and adopted by the committee and shall not
27 implement Pub. L. No. 107-252, or spend state and
28 federal funds appropriated for implementation of the
29 plan or of the federal law, in a manner contrary to
30 the provisions of such plan.

31 6. The planning and implementation committee shall
32 periodically submit progress reports to the oversight
33 committee of the legislative council. Once the plan
34 is submitted to the appropriate federal agency, the
35 oversight committee shall monitor implementation of
36 the plan and expenditure of funds relating to
37 implementation of the plan and of Pub. L. No. 107-
38 252."

39 2. Page 2, by inserting before line 20, the
40 following:

41 "Sec. ___. Section 48A.8, Code 2003, is amended to
42 read as follows:

43 48A.8 REGISTRATION BY MAIL.

44 1. An eligible elector may register to vote by
45 completing a mail registration form. The form may be
46 mailed or delivered by the registrant or the
47 registrant's designee to the commissioner in the
48 county where the person resides. A separate
49 registration form shall be signed by each individual
50 registrant.

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1 2. An eligible elector who registers by mail and
2 who has not previously voted in an election for
3 federal office in the county of registration shall be

4 required to provide identification documents when
5 voting for the first time in the county, unless the
6 registrant provided on the registration form the
7 registrant's Iowa driver's license number or the last
8 four numerals of the registrant's social security
9 number and the driver's license or partial social
10 security number matches an existing state or federal
11 identification record with the same social security
12 number or Iowa driver's license number and name,
13 including first name and any family forename or
14 surname, and date of birth, including month, date, and
15 year. If the registrant under this subsection votes
16 in person at the polls, or by absentee ballot at the
17 commissioner's office or at a satellite voting
18 station, the registrant shall provide a current and
19 valid photo identification card, or shall present to
20 the appropriate election official one of the following
21 current documents that show the name and address of
22 the registrant:
23 a. Utility bill.
24 b. Bank statement.
25 c. Government check.
26 d. Other government document.
27 3. If the registrant under subsection 2 votes an
28 absentee ballot by mail, the registrant shall provide
29 a photocopy of one of the documents listed in
30 subsection 2 when returning the absentee ballot.
31 4. A registrant under subsection 2 who is required
32 to present identification when casting a ballot in
33 person shall be permitted to vote a provisional ballot
34 if the voter does not provide the required
35 identification documents. If a voter who is required
36 to present identification when casting a ballot votes
37 an absentee ballot by mail, the ballot returned by the
38 voter shall be considered a provisional ballot
39 pursuant to sections 49.81 and 53.31."
40 3. By striking page 7, line 24 through page 9,
41 line 12, and inserting the following:
42 "Sec. ___. Section 49.81, Code 2003, is amended to
43 read as follows:
44 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST
45 PROVISIONAL BALLOT.
46 1. A prospective voter who is prohibited under
47 section 48A.8, subsection 4, section 49.77, subsection
48 4, or section 49.80 from voting except under this
49 section shall be ~~permitted to~~ notified by the
50 appropriate precinct election official that the voter

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1 may cast a ~~paper~~ provisional ballot. If a booth
2 meeting the requirement of section 49.25 is not

3 available at that polling place, the precinct election
4 officials shall make alternative arrangements to
5 insure the challenged voter the opportunity to vote in
6 secret. The marked ballot, folded as required by
7 section 49.84, shall be delivered to a precinct
8 election official who shall immediately seal it in an
9 envelope of the type prescribed by subsection 4. The
10 sealed envelope shall be deposited in ~~a special an~~
11 envelope marked ~~"ballots for special precinct"~~
12 "provisional ballots" and shall be considered as
13 having been cast in the special precinct established
14 by section 53.20 for purposes of the postelection
15 canvass."
16 4. By striking page 16, line 7 through page 17,
17 line 2.
18 5. By striking page 19, line 1, through page 29,
19 line 10.
20 6. Page 29, by striking lines 13 through 20, and
21 inserting the following:
22 "Sec. __. Section 39A.4, subsection 1, paragraph
23 c, Code 2003, is amended by adding the following new
24 subparagraphs:
25 NEW SUBPARAGRAPH. (11) Distributing an absentee
26 ballot application in person to the applicant and the
27 person is not the commissioner, an employee of the
28 commissioner's office, or an absentee ballot courier
29 under section 53.22A.
30 NEW SUBPARAGRAPH. (12) Distributing an absentee
31 ballot application more than seventy days before the
32 election.
33 NEW SUBPARAGRAPH. (13) Returning an absentee
34 ballot application to the commissioner's office and
35 the person is not the applicant or an immediate family
36 member of the applicant as that term is defined in
37 section 53.1A or is not the designee of a voter
38 described in section 53.22, subsection 5.
39 NEW SUBPARAGRAPH. (14) Returning a voted absentee
40 ballot to the commissioner's office and the person is
41 not the voter, an immediate family member of the voter
42 as that term is defined in section 53.1A, an absentee
43 ballot courier under section 53.22A, or the designee
44 of a voter described in section 53.22, subsection 5.
45 Sec. __. Section 39A.5, subsection 1, paragraph
46 b, Code 2003, is amended by adding the following new
47 subparagraph:
48 NEW SUBPARAGRAPH. (4) As an absentee ballot
49 courier, neglecting or refusing to fill out one or
50 both receipts required under section 53.17."

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1 7. Page 29, line 30, by striking the words

2 "~~seventy sixty~~" and inserting the following:

3 "seventy".

4 8. By striking page 29, line 35 through page 30,
5 line 5, and inserting the following: "be distributed
6 by the commissioner's office, or by a person appointed
7 and accredited to the commissioner by a political
8 party as provided in section 53.22A, or by mail by a
9 political party as that term is defined in section
10 43.2. Absentee ballot applications shall not be
11 distributed more than seventy days before the
12 election. An absentee ballot courier shall sign a
13 receipt for absentee ballot applications received from
14 the commissioner's office."

15 9. Page 30, line 23, by striking the word "sixty"
16 and inserting the following: "seventy".

17 10. Page 30, line 26, by striking the word
18 "sixty" and inserting the following: "seventy".

19 11. Page 30, by striking lines 30 and 31, and
20 inserting the following: "and immediately after the
21 absentee ballots are printed, the commissioner".

22 12. By striking page 30, line 34 through page 31,
23 line 1.

24 13. Page 31, line 11, by inserting after the word
25 "ballot." the following: "There shall be printed on
26 the reverse side of the carrier envelope a receipt to
27 be completed by an absentee ballot courier. The
28 receipt shall contain space for the courier to print
29 and sign the courier's name, and indicate the date the
30 courier retrieved the ballot from the voter. The
31 absentee ballot materials mailed to the voter shall
32 include a receipt to be completed by an absentee
33 ballot courier, if applicable, and retained by the
34 voter."

35 14. Page 31, line 19, by inserting after the word
36 "family," the following: "an absentee ballot
37 courier.".

38 15. Page 31, by striking line 28, and inserting
39 the following: "registered voter, a member of the
40 voter's immediate family, an absentee ballot
41 courier.".

42 16. Page 32, by inserting after line 5 the
43 following:

44 "Sec. ___. Section 53.17, Code 2003, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 3. The sealed carrier envelope
47 may be delivered to the commissioner's office by an
48 absentee ballot courier no later than the time the
49 polls are closed on election day or may be mailed to
50 the commissioner by an absentee ballot courier. If an

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1 absentee ballot courier retrieves a ballot from a
2 voter, the courier shall fill out the receipt to be
3 retained by the voter and shall fill out the receipt
4 printed on the carrier envelope. Failure to fill out
5 either receipt is a simple misdemeanor under section
6 39A.5, subsection 1, paragraph "b". A voted absentee
7 ballot courier shall mail or deliver ballots to the
8 commissioner's office within seventy-two hours of
9 retrieving the ballot from the voter. Failure to do
10 so is a violation under section 39A.2, subsection 1,
11 paragraph "b", subparagraph (1).
12 Sec. __. NEW SECTION. 53.22A ABSENTEE BALLOT
13 COURIERS.
14 Any number of persons from each political party
15 having candidates to be voted for at an election who
16 are appointed and accredited by the executive or
17 central committee of such political party may serve as
18 absentee ballot couriers. An absentee ballot courier
19 is authorized to deliver absentee ballot applications
20 to absentee ballot applicants and to return voted
21 absentee ballots to the commissioner's office. For
22 purposes of this section, "political party" is the
23 same as defined in section 43.2.
24 Sec. __. EFFECTIVE DATE. This division of this
25 Act, being deemed of immediate importance, takes
26 effect upon enactment."
27 17. Title page, line 2, by inserting after the
28 word "law," the following: "creating a planning and
29 implementation committee,".
30 18. Title page, by striking lines 3 through 6,
31 and inserting the following: "hours of the polls, and
32 making changes".
33 19. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 41.

The motion prevailed and the House concurred in the Senate amendment [H-1614](#).

Jacobs of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 614](#))

The ayes were, 53:

| | | | |
|-----------------------|------------------|-----------|------------------|
| Alons | Arnold | Baudler | Boal |
| Boggess | Carroll | Chambers | De Boef |
| Dennis | Dix | Dolecheck | Drake |
| Eichhorn | Elgin | Freeman | Gipp |
| Granzow | Greiner | Hahn | Hansen |
| Hanson | Heaton | Hoffman | Horbach |
| Huseman | Hutter | Jacobs | Jenkins |
| Jones | Klemme | Kramer | Kurtenbach |
| Lalk | Lukan | Maddox | Manternach |
| Olson, S. | Paulsen | Raecker | Rants, Spkr. |
| Rasmussen | Rayhons | Sands | Schickel |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Van Fossen, J.K. | Van Fossen, J.R. | Watts | Wilderdyke |
| Roberts, Presiding | | | |

The nays were, 45:

| | | | |
|-----------|------------|------------|-----------|
| Bell | Berry | Bukta | Cohoon |
| Connors | Dandekar | Davitt | Fallon |
| Foege | Ford | Gaskill | Greimann |
| Heddens | Hogg | Hunter | Huser |
| Jochum | Kuhn | Lensing | Lykam |
| Mascher | McCarthy | Mertz | Miller |
| Murphy | Myers | Oldson | Olson, D. |
| Osterhaus | Petersen | Quirk | Reasoner |
| Shoultz | Smith | Stevens | Struyk |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Wendt | Whitaker | Whitead | Winckler |
| Wise | | | |

Absent or not voting, 2:

| | |
|-----------|---------|
| Boddicker | Frevert |
|-----------|---------|

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 614](#) be immediately messaged to the Senate.

On motion by Gipp of Winneshiek the House adjourned at 9:41 p.m., until 9:00 a.m., Friday, May 30, 2003.

